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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,362	11/14/2001	Jun Akiyama	70904 (56693)	5592
21874 7590 04/27/2007 EDWARDS ANGELL PALMER & DODGE LLP P.O. BOX 55874 BOSTON, MA 02205			EXAMINER POLTORAK, PIOTR	
			ART UNIT 2134	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.		Applicant(s)	
	09/992,362		AKIYAMA, JUN	
	Examiner		Art Unit	
	Peter Poltorak		2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 16-24 is/are pending in the application.
- 4a) Of the above claim(s) 17-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 17-24 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/21/07 has been entered.
2. The Amendment, and remarks therein, received on 3/20/07 have been entered and carefully considered. The newly introduced and argued limitations are addressed in current Office Action, below.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.

Response to Amendment

4. As per claims 1-2, 11 and 16 applicant argues that Tosaki in view of Inazawa do not disclose that at least a recording system for recording information in a data recording region and encryption information in an encryption data recording region, where the recording system is a rewritable recording system.
5. The examiner carefully considered applicant's arguments but did not find them persuasive. The examiner points out that in light of Tosaki et al. explicit suggestion of using rewritable (RW) recording medium (e.g. col. 2 lines 65-67), any system that is able to write data onto the rewritable recording medium is inherently rewritable recording system: regardless of whether any data is (or is not) present, the

rewritable disk enables the recording system to write (or rewrite if data is already present) the data onto it.

6. Claims 1-9, 11-14 and 16 have been examined.

Claim Rejections - 35 USC § 103

7. Claims 1-9, 11-14 and 16 remain rejected under 35 U.S.C. 103(a) as being obvious over *Tosaki et al.* (WO 00/07182) in view of *Inazawa et al* (U.S. Patent No. 6587948).

As per claims 1-2, 7-8 and 11 *Tosaki et al.* teach a disk (*Fig. 1B*) that comprises data area 5 (*first format data recording region*) and lead area 4 (*second format data recording region*).

Tosaki et al. teach CSS key area disposed in the lead area, which stores key information for deciphering the requisite information, which has been ciphered and recorded in the data area (*col.3 lines 28-62*). The requisite information is deciphered using the key information and reproduced (*col. 4 lines 3-6*).

This reads on "encrypted information in the data recording region in the first format and reproducing information by reading out the encrypted information recorded in the data recording region in the first format, and by decrypting the encrypted information using the encryption information which was reproduced from the encryption data recording region in the recording medium in the second format" and on "reproducing information by reading out the encrypted information recorded in the

data recording region in the first format, and by decrypting the encrypted information using the encryption information which was reproduced from the encryption data recording region in the recording medium in the second format”.

The lead-in area comprises a prepit section (*col. 3 lines 1-2*) that stores key information (*col. 2 lines 48-50*). Tosaki discloses that the recording density (line recording density, track density) is lower in the prepit section, in order to improve the quality of the signal at the prepit section.

This reads on “recording information in the data recording region in the first format, which differs from the second format in an identical kind of recording system as the encryption data recording region” and on “the first format and the second format differing from each other in at least one of recording density, error correcting system, and defect management system”.

8. *Tosaki et al.* do not teach recording identification information for identifying each recording medium and that the encryption information is different for different disks, such that the encryption information recorded on each disk is different.

Inazawa et al. disclose recording identification information (a disk key DK) for identifying each recording medium and that the encryption information is different for different disks, such that the encryption information recorded on each disk is different (*data encrypted by using the disc key DK, Inazawa et al., col. 6 lines 8-10*).

One of ordinary skill in the art at the time of applicant's invention would have been motivated to employ such a modification for tracking purposes and additional copyright protection.

9. As per newly introduced limitation: "wherein the recording system is a rewritable recording system", the examiner carefully considered applicant's arguments but did not find them persuasive. The examiner points out that in light of *Tosaki et al.* explicit suggestion of using rewritable (RW) recording medium (e.g. col. 2 lines 65-67), any system that is able to write data onto the rewritable recording medium is inherently rewritable recording system: regardless of whether any data is (or is not) present, the rewritable disk enables the recording system to write (or rewrite if data is already present) the data onto it.
10. As per claim 3, it is inherent that recording regions are blank before information is recorded.
11. As per claim 16, *Tosaki et al.* teach that the lead area in addition to prepit section comprise a groove (col. 3 lines 1-3).
12. The limitations of claim 4-5 and 12-13, and ordinary artisan would recognize that although music, movies and other data (stored in the data region that is in the first format) is subject to various compression techniques to minimize space requirement (and that the compression minimize the quality of the compressed data), it is imperative that the second format data that is used to decipher the first format data must be in perfect reproduction quality. Any discrepancies in reproduction of the encryption information (stored in the second format) would ultimately impact the usability of the decrypted information.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to ensure that the second format reproduces information with a better

reproduction quality than the first format given the benefit of saving space in the first data format region while ensuring the proper (usable) reproduction of the data kept in the first format region.

13. As per claim 6 it is inherent that plurality of information pieces are recorded in a circumferential direction on a disk and it is old and well-known practice to use more than one piece of information for the encryption process for motivation of benefit of increased security.

14. As per claims 9 and 14 *Tosaki et al.*'s invention employs two different areas with data in different formats. Data in different formats modulate differently (because they were modulated differently at the recording time) and as a result when the DVD is read, the player or a computer that reads it must have two different systems to deal with the various formats.


Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: U.S. Patent No. 6633534.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Poltorak whose telephone number is (571) 272-3840. The examiner can normally be reached Monday through Thursday from 9:00 a.m. to 4:00 p.m. and alternate Fridays from 9:00 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571) 272-3811. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


4/20/07


KAMBIZ ZAND
SUPERVISORY PATENT EXAMINER